

riott his executors. After which he died; his will was proved according to law; and, on the 7th of October, 1807, his executors by a note addressed to the Register of Wills renounced the executorship. 1798, ch. 101, sub-ch. 3, s. 7; *Dep. Com. Gui.* 69; 3 *Bac. Abr.* 43. And administration, with the will annexed, was immediately granted to Basil Brown. And, on the same day, Basil Brown filed his petition in this Court, stating these facts and alleging, that he was interested in the estate as appeared by the will, and prayed that a trustee might be appointed to carry the will into effect.

Whereupon, and according to the Act of Assembly, 1785, ch. 72, s. 4, a decree was passed *ex parte*, on the 12th of October, 1807, directing the real estate of the late William Hammond to be sold; and Basil \* Brown was appointed the trustee to make the  
**411** sale upon the terms, that the purchaser should pay one-fifth of the purchase money on the day of sale, and give bond with approved surety for paying the residue in four equal annual instalments with interest from the day of sale. In virtue of this decree the whole was sold at four different times. The last of which sales was made on the 25th of August, 1809; and all of them were finally ratified. It does not appear, from any thing to be found among the proceedings, that any part of the purchase money, or any bond of any one of the purchasers, except that of Lewis Duvall, was ever brought into Court by this trustee Brown: who died some short time previous to the 15th of June, 1815. It appears, that the trust reposed in Basil Brown having been left by him unfinished at the time of his death, Thomas H. Bowie was, on the 15th of June, 1815, appointed to complete the trust; who also having died before it was finally closed, Israel Davidson was, on the 5th of October, 1825, appointed as his successor for that purpose.

After the death of Basil Brown, Richard Mackubin, on behalf of himself and the other creditors of Brown, on the 12th of June, 1816, filed this bill here, in which he alleges, that Brown, had died intestate without leaving a sufficiency of personal estate to pay his debts; and thereupon prayed, that his real estate might be sold for that purpose. The heirs of Brown, some of whom were infants, were alone made parties; and, on the coming in of their answers, admitting the insufficiency of the personalty, a decree was passed, on the 28th of June, 1816, appointing Matthias Hammond, who was one of the administrators of Basil Brown, to make sale of his real estate for the payment of his debts; and upon the death of Matthias, Rezin Hammond was appointed trustee to complete the trust, and a part of the real estate of Basil was accordingly sold. Public notice was given as usual to the creditors of the late Basil Brown, to bring in their claims, and the time limited for them to do so had long elapsed.